

**CITY OF WHITTIER, ALASKA
ORDINANCE #08-2017**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, ALASKA,
AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH
THE ALASKA RAILROAD CORPORATION TRANSFERRING TRACT A-1 TO
THE ALASKA RAILROAD CORPORATION IN EXCHANGE FOR TRACT W AND
THE DELONG DOCK, SUBJECT TO SPECIFIC ESSENTIAL TERMS AND
CONDITIONS EXECUTED BY THE PARTIES**

WHEREAS, in 2000, the Alaska Legislature passed CSHB 320, a bill that authorized and directed the Alaska Railroad Corporation (“ARRC”) to receive Tract W, including the DeLong Dock, from the United States, and further directed ARRC to reconvey Tract W, excluding the DeLong Dock, to the City of Whittier (“City”); and

WHEREAS, CSHB 320 stated, “the corporation [ARRC] and the City of Whittier shall agree to diligently work together in good faith to resolve disputes and to collaborate with each other in developing a management agreement for operation of the DeLong Dock facility with the goal of operating the facility as a single entity for economic development purposes”; and

WHEREAS, it has been seventeen years since the 2000 legislation, during which time ARRC has held exclusive use of the DeLong Dock, refused to allow the City access to the Dock, shared no revenues from the Dock, and used the Dock unilaterally to support the financial interest of ARRC, while causing significant detriment to the City and the Prince William Sound region; and

WHEREAS, in May of 2017, the United States quitclaimed Tract W and the DeLong Dock to ARRC; and

WHEREAS, ARRC must reconvey Tract W, excluding the DeLong Dock, to the City as directed in CSHB 320; and

WHEREAS, it is in the best interest of and advantageous to the City to enter into an agreement with ARRC whereby ARRC will convey Tract W and the DeLong Dock to the City, in exchange for City-owned Tract A-1; and

WHEREAS, Whittier Municipal Code 3.36.150.E. allows the City to exchange a parcel of City property with property owned by another party, after City Council approval and public notice of the exchange, and subject to conditions imposed by the City Council; and

WHEREAS, the City Manager has negotiated and agreed with ARRC a Joint Statement of Essential Terms of the proposed agreement to exchange Tract W and the DeLong Dock for Tract A-1 to be presented to the City Council for approval; and

WHEREAS, upon the City Council's approval of the essential terms of the agreement, the City must negotiate the non-essential terms of the agreement and all the conveyance documents, and execute the final agreement and conveyance documents.

NOW, THEREFORE, the Whittier City Council ordains:

Section 1. The form and content of the Joint Statement of Essential Terms Between the Alaska Railroad Corporation and the City of Whittier, Alaska, signed on August 22, 2017 by the City and on August 18, 2017 by ARRC (attached as exhibit A), now before this meeting, are in all respects authorized, approved and confirmed by this ordinance.

Section 2. The City Council authorizes, empowers, and directs the City Manager to negotiate the non-essential terms of the agreement between the City and ARRC for the exchange of Tract W and the DeLong Dock with Tract A-1. The City Council also authorizes, empowers, and directs the City Manager to execute and deliver on behalf of the City a final agreement for the exchange of Tract W and the DeLong Dock with Tract A-1, containing the essential terms as approved in Section 1 and the non-essential terms as negotiated by the City Manager with ARRC, with such changes, modifications, additions and deletions therein as he shall deem necessary, desirable or appropriate.

Section 3. The City Council further authorizes, empowers, and directs the City Manager to do all acts and things and to execute all documents as may be necessary to carry out and comply with the provisions of the final agreement as executed, including any and all property conveyance documents.

Section 4. Effective date. This ordinance shall be effective immediately upon adoption.

1st reading: December 6, 2017

2nd reading and public hearing: April 30, 2018

PASSED AND APPROVED by a duly constituted quorum of the Whittier City Council
on this 30th day of April, 2018.



Daniel Blair
MAYOR

ATTEST:



Naelene Matsumiya
CITY CLERK

Ayes: 6
Nays: 1
Absent: 0
Abstain: 0